

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DORIS CROSLEY, et al.,

Plaintiffs,

v.

CITY OF PITTSBURG, et al.,

Defendants.

No. C 05-04051 JSW

**ORDER RE JOINT LETTER
BRIEF ON DISCOVERY
DISPUTES**

The Court has received and considered the parties' joint letter brief regarding discovery disputes and hereby ORDERS:

1. Plaintiffs' request with regard to Defendants' instruction not to answer questions regarding whether documents were read to deponents in advance of the depositions are GRANTED. Defendants are ORDERED to advise Plaintiffs whether any documents were read to the deponents before their depositions and to produce any and all documents that were read to the deponents within ten (10) days of the date of this Order. *See, e.g.*, Fed. R. Evid. 612. Defendants are FURTHER ORDERED to make each of the deponents at issue available for a further deposition for the limited purpose of examining the deponents about such documents, such depositions to take place within thirty days after the documents are produced.

2. Plaintiffs' objection to the passing of notes during depositions is SUSTAINED. This Court's Standing Order states that: "Private conferences between deponents and their attorneys in the course of deposition are improper and prohibited except for the sole purpose of determining whether a privilege should be asserted." The Court HEREBY ADVISES all parties

1 that this admonition applies to oral or written communications.

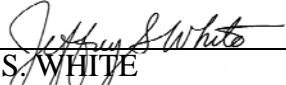
2 3. Although Defendants may have objected to producing the document on the
3 ground that it was prepared in anticipation of litigation, Sgt. Haase testified it was prepared in
4 the normal course of business. Thus, on the record before the Court, the Court finds Plaintiffs'
5 position well taken, and that aspect of Plaintiff's request is GRANTED. Defendants shall
6 produce the report within five (5) days of this Order.

7 The Court DENIES WITHOUT PREJUDICE Plaintiffs' request to require Stg. Haase
8 for a further deposition. Plaintiffs may renew their request for a further deposition after they
9 have reviewed the document, upon a proper showing of good cause for a further deposition.

10 4. Pursuant to Federal Rule of Civil Procedure 37(a)(4)(C), the parties are
11 HEREBY ORDERED TO SHOW CAUSE why the Court should not apportion the reasonable
12 expenses incurred in relation to the motion.

13 **IT IS SO ORDERED.**

14
15 Dated: June 1, 2007



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE